

Service Date: June 20, 2016

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF the Investigation of the)	REGULATORY DIVISION
Montana Public Service Commission into)	
Whether Mountain Water Company's Rates are)	DOCKET NO. D2016.2.15
Just and Reasonable)	

NOTICE OF COMMISSION ACTION

On January 29, 2016, the Montana Public Service Commission ("Commission") voted to initiate a proceeding to inquire into whether Mountain Water Company's ("Mountain Water") current rates for its Missoula, Montana customers are just and reasonable. On January 11, 2016, the Commission received the *Joint Applicants' Notice of Closing and Withdrawal of Joint Application* in Docket D2014.12.99. This *Notice* informed the Commission that on January 8, 2016, the sale and transfer of Western Water stock to Liberty WWH closed, with Liberty WWH merging into Western Water and Western Water continuing as the wholly-owned subsidiary of Liberty Utilities ("Liberty").

The Commission never completed its review of the sale and transfer in Docket D2014.12.99. On February 3, 2016, the Commission issued a *Notice of Investigation and Intervention Deadline*. On March 1, 2016, the City of Missoula ("City") and Clark Fork Coalition were granted limited intervention. On March 2, 2016, the Montana Consumer Counsel (MCC) was granted intervention. On March 7, 2016, the Commission, through delegation of authority to staff, issued *Procedural Order No. 7475a*. On April 13, 2016, the Commission issued a *Notice of Public Hearing* setting a hearing in this matter for May 3rd and 4th, 2016.

During the course of the hearing, the MCC and the City moved for certain Mountain Water information subject to protection under *Protective Order 7475c*, issued on April 7, 2016, to be removed from protection. According to the Administrative Rules of Montana, "[c]onfidential information remains protected permanently, whether or not returned to the provider, unless: the commission otherwise orders following notice and opportunity to be heard." Mont. Admin. R. 38.2.5008(3)(b) (2016).

The information at issue includes documents that describe a \$235 million credit facility. Mountain Water also provided an interest rate associated with the credit facility in response to data request PSC-009a under protection. Mountain Water was put on notice at the hearing of the possibility that some or all of the protected information would be made public. Further, Mountain Water, and the parties, were given an opportunity to be heard on this matter, as they were directed to address the issue in post hearing briefing, with opening briefs due on May 16, 2016, and response briefs due on May 23, 2016.

On June 7, 2016, the Commission held a regularly scheduled work session to discuss and act on the intervenors' motion to remove information from protection. The Commission voted to remove from protection two interest rates associated with Liberty's Term Credit Agreement and Term Loan Agreement. Mountain Water provided the interest rates to the Commission as a response to PSC-009(a) on April 22, 2016 pursuant to the Commission's *Order To Compel*. See Order 7475g, Dkt. D2016.2.15 (April 19, 2016). Mountain Water stipulated to the release of this information from protection. See Mountain Water Company's Notice of Consent to Disclosure of Information, Dkt. D2016.2.15 (June 15, 2016). The information specifically identified in and protected by *Protective Order 7475a*, that is, the Term Loan Agreement between J. P. Morgan and Liberty, dated January 4, 2016, will remain protected.

BY THE MONTANA PUBLIC SERVICE COMMISSION

BRAD JOHNSON, Chairman
TRAVIS KAVULLA, Vice Chairman
KIRK BUSHMAN, Commissioner
ROGER KOOPMAN, Commissioner
BOB LAKE, Commissioner